

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO SPECIFIC
	:	<u>PROPERTY</u>
ELADIO MARTIN VALERIO,	:	
	:	24 Cr. 342 (AS)
Defendant.	:	
-----	X	

WHEREAS, on or about May 29, 2024, ELADIO MARTIN VALERIO (the “Defendant”), was charged in a nine-count Indictment, 24 Cr. 342 (AS) (the “Indictment”), with unlawful interstate transportation of firearms, in violation of Title 18, United States Code, Section 922(a)(3) (Counts One, Four and Seven); unlawful interstate transfer of firearms, in violation of Title 18, United States Code, Section 922(a)(5) (Counts Two, Five and Eight); unlawful delivery of firearms and ammunition to a carrier, in violation of Title 18, United States Code, Section 922(e) (Counts Three, Six and Nine);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Nine, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), of any and all firearms and ammunition involved in or used in the offenses charged in Counts One through Nine of the Indictment, including but not limited to:

- a. one Ruger handgun bearing serial number 369-10680;
- b. one Glock handgun bearing serial number BVBT135;
- c. one Glock handgun bearing serial number BKHM263;
- d. one Glock handgun bearing serial number TXU644;
- e. one Glock handgun bearing serial number BGUU020;

- f. one Glock handgun bearing serial number BGVK561;
- g. one Smith & Wesson handgun bearing serial number DPZ6839;
- h. one Smith & Wesson handgun bearing serial number DNC2516;
- i. one Glock handgun, bearing serial number AHWT836;
- j. one Taurus handgun bearing serial number TJN84240;
- k. one Sarsilmaz handgun bearing serial number T1102-20BV69299;
- l. one Taurus handgun bearing serial number AEK763642;
- m. one Taurus handgun bearing serial number AEH573088; and
- n. one Ruger handgun bearing serial number 860-60085;

(a. through n., collectively, the “Specific Property”);

WHEREAS, on or about September 27, 2024, the Defendant pled guilty to Count Nine of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Nine of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), all right, title and interest of the Defendant in the Specific Property; and

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, which constitutes firearms and ammunition involved in or used in the offense charged in Count Nine of the Indictment; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its

possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Getzel Berger, of counsel, and the Defendant and his counsel, Jonathan Marvinny, Esq., that:

1. As a result of the offense charged in Count Nine of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant ELADIO MARTIN VALERIO, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States Customs and Border Protection (or its designee, the Office of Fines, Penalties and Forfeitures) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, [www.forfeiture.gov](http://www.forfeiture.gov). This site incorporates the forfeiture notices that have been traditionally

published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

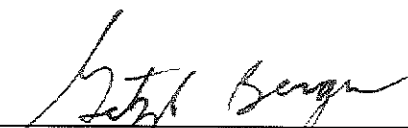
9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
\_\_\_\_\_  
GETZEL BERGER  
Assistant United States Attorney  
26 Federal Plaza  
New York, NY 10278  
(212) 637-1061

9/26/2024  
DATE

ELADIO MARTIN VALERIO


By:   
\_\_\_\_\_  
ELADIO MARTIN VALERIO

9/27/24  
DATE

By:   
\_\_\_\_\_  
JONATHAN MARVINNY, ESQ.  
Attorney for Defendant  
Federal Defenders of New York  
52 Duane Street, 10<sup>th</sup> Floor  
New York, NY 10007

9/27/24  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE ARUN SUBRAMANIAN  
UNITED STATES DISTRICT JUDGE

9/27/24  
DATE